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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

Commission on the Status of Women
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Follow-up to the Fourth World Conference on Women: review of mainstreaming in organizations of the United Nations system

Women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources

Report of the Secretary-General

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I. Introduction

1. At its substantive session of 1996, the Economic and Social Council adopted agreed conclusions 1996/1 on poverty eradication.[1] In the agreed conclusions, the Council, *inter alia,* stressed the need for gender analysis and for the mainstreaming of a gender perspective in United Nations activities for poverty eradication (paras. 13 and 27-33). The Council also invited the Commission on Human Rights, in the context of its work on poverty, to focus on the relationship between all human rights, including the right to development, and poverty, notably extreme poverty. The Council suggested that the Commission on Human Rights consider providing an input to the Commission on the Status of Women on ensuring women's equal enjoyment of their human rights, in particular those related to economic resources (para. 45).

2. The Commission on the Status of Women, at its forty-first session, in 1997, followed up the Council's agreed conclusions on poverty eradication. It noted that, in 1998, the Commission on Human Rights could consider providing, in accordance with paragraph 45 of the Council's agreed conclusions 1996/1, an input to the Commission on the Status of Women on ensuring women's real enjoyment of their human rights, in particular those relating to the alleviation of women's poverty, economic development and economic resources. With a view to facilitating interaction between the two Commissions, the Secretariat was invited to submit a report on that subject to both the Commission on the Status of Women and the Commission on Human Rights. The report was to be prepared in cooperation with the Centre for Human Rights and the Division for the Advancement of Women of the United Nations Secretariat.[2]

3. In resolution 1997/11, the Commission on Human Rights requested the United Nations High Commissioner for Human Rights to submit to the Commission on Human Rights at its fifty-fourth session, in accordance with Economic and Social Council agreed conclusions 1996/1, a report, to be prepared by the Centre for Human Rights and the Division for the Advancement of Women, on the obstacles encountered and progress achieved in the field of women's rights relating to economic resources, the elimination of poverty and economic development, in particular for women living in extreme poverty.[3]

4. Based on the mandates provided by the Economic and Social Council, the Commission on the Status of Women and the Commission on Human Rights, the present report first examines the impact of women's unequal enjoyment of rights on their socio-economic status. To that end, it assesses how the denial of rights, particularly those relating to economic development and economic resources, creates obstacles to women's equality and thus their enjoyment of human rights. Particular attention is paid to gender factors that perpetuate women's unequal access and treatment with regard to economic and social rights and opportunities. The report then assesses the progress made in intergovernmental and expert bodies in addressing women's enjoyment of their human rights, particularly those related to economic development, economic resources and the elimination of poverty.

5. As part of the preparations for the forty-second session of the Commission on the Status of Women, the Division for the Advancement of Women of the United Nations Secretariat convened, jointly with the Institute for Human Rights at the Åbo Akademi University (Finland), an expert group meeting on promoting women's enjoyment of their economic and social rights (1-4 December 1997).[4] For that meeting, a background paper was prepared by the Division for the Advancement of Women, which incorporated a contribution from the Office of the United Nations High Commissioner for Human Rights. The present report, submitted in accordance with the mandates provided by the Commission on the Status of Women and the Commission on Human Rights, draws on this background paper.

II. Ensuring women's real enjoyment of their human rights

6. Over the past several years, a consensus has emerged that poverty, especially situations of extreme poverty, inhibit the full and effective enjoyment of human rights. Commitments have been made at global United Nations conferences to put in place policies, strategies and concrete action aimed at the eradication of poverty.[5] The Fourth World Conference on Women noted that women's poverty was directly related to the absence of economic opportunities and autonomy, lack of access to economic resources, including credit, land ownership and inheritance, lack of access to education and support services and women's minimal participation in the decision-making process.[6] The Platform for Action emphasized that releasing women's productive potential was pivotal to breaking the cycle of poverty so that women could share fully in the benefits of development and in the products of their own labour.[7]

7. The Special Rapporteur on human rights and extreme poverty of the Subcommission on Prevention of Discrimination and Protection of Minorities, in his final report,[8] reiterated the Platform for Action's finding that

while poverty affected households as a whole, because of the gender division of labour and responsibilities, women bore a disproportionate burden and had to manage household consumption and production under conditions of increasing scarcity. The situation was most difficult for women in rural areas.[9]

8. The Special Rapporteur elaborated criteria for a juridical definition of extreme poverty. He noted, *inter alia*, that extreme poverty involved the denial, not of a single right or a given category of rights, but of human rights as a whole. According to the Special Rapporteur, the issue at stake was not the "recognition" of human rights, but the real and effective "exercise" of all human rights and fundamental freedoms by the extremely poor. The indivisibility and interdependence of human rights showed that denial or deprivation of one right could have repercussions on the exercise of other rights. Thus, a holistic approach to the realization of human rights was necessary.[10]

9. In the light of women's socio-economic disadvantages reflected in many indicators (see paras. 11-18 below), the relationship between women's unequal access to economic resources and their persistent poverty is receiving growing attention.[11] Increasingly, the advantages of a rights-based approach to addressing such poverty are being explored. First, human rights require that States accord priority consideration to their fulfilment.[12] Rights are not simply a matter of policy choices for Governments, but impose legal obligations to respect and ensure the rights in question. The Committee on Economic, Social and Cultural Rights has noted that the *raison d'être* of the Covenant is to "establish clear obligations for States parties in respect of the full realization of the rights" contained in the Covenant.[13] Moreover, the full recognition of rights requires the creation of effective channels of redress to hold the State accountable for violations of rights.[14]

10. Notwithstanding efforts at the non-discriminatory application of human rights to all without distinction, it has been increasingly recognized that the vision of human rights and the mechanisms that exist to concretize this vision, although supposedly available to women and men on an equal basis, have profited women less than men. As a result, significant efforts have been applied to redefine the meaning of human rights to encompass the specific experiences of women at all stages of their lives.

A. The context for women's enjoyment of rights: consequences of the denial of rights to women

11. Access to economic resources is essential for people's well-being. Denial of equal rights to women in the access to such resources is reflected in their overall unequal economic and social situation. Ensuring women's full enjoyment of their human rights is a crucial strategy for women's empowerment and for overcoming the disadvantages women continue to face in economic, political and social terms.

12. Statistical profiles provide an entry point for documenting differences and for identifying factors and aspects that cause unequal outcomes for women in the enjoyment of rights, including those relating to economic resources.[15] The existence of unequal outcomes suggests that women's as well as men's experiences require explicit attention in terms of the protection and promotion of human rights. While great progress has been made in recent years in collecting data disaggregated by sex,[16] such data are not yet consistently used as a basis for legal and policy measures in promoting enjoyment of rights.[17]

13. Countries' achievements in human development – that is, whether people lead long and healthy lives, are educated and knowledgeable and enjoy a decent standard of living – change noticeably when inequality in achievement between women and men is taken into account.[18] The majority of the world's 1.3 billion people living in poverty are women, a situation that results from a number of factors. Their unequal situation in the formal and informal labour market, including access to land, property, credit and other economic resources, is one aspect. Another aspect is their treatment under social welfare systems and their status and power in the family.[19] An important conclusion in the *Human Development Report, 1997* is that gender inequality is strongly associated with human poverty, but it is not always associated with income poverty.[20] In other words, even when a country is very poor in terms of income poverty, it can still achieve a relative level of gender equality in basic indicators for human development. Progress in gender equality can be achieved at different income levels and stages of development. And it can be found across a range of cultures and political ideologies.[21]

14. Access to, and control of, productive resources, particularly land, are key to addressing women's poverty, which in rural areas has particular consequences for women.[22] Although women's right to own land is often legally established, gender asymmetry in access to and control over land is one of the main obstacles to the full participation of women in rural development.[23] Because of continuing exclusion of women from, and discrimination against women in, acquiring land, security of tenure and inheritance rights to land and property, women also face particular constraints in securing and maintaining their right to housing. In fact, the continued discrimination faced by women in all matters relating to land and property has been called the single most critical factor in the perpetuation of gender inequality and poverty.[24]

15. Education is also a prerequisite for effective economic participation.[25] Education and training for women and girls yields high social and economic returns, and is a precondition for the empowerment of women.[26] While the enrolment ratios for boys and girls at the primary level is approaching equality everywhere, differences persist at the regional level and for different age groups and levels of schooling, especially at higher levels. Two thirds of the world's illiterate adults are women, with illiteracy highest among older women who never had the opportunity to go to school.

16. Women's participation in various aspects of economic and community life has increased, but remains lower than that of men. The female economic activity rate is now nearly 70 per cent of the male rate in developing countries, ranging from 86 per cent in East Asia to 50 per cent in Latin America and the Caribbean.[27] A large part of women's work is in low-paid or unpaid occupations. In agriculture, family enterprises and the informal sector, women have little possibility for savings, credit or investment, and limited security. While of tremendous importance for the well-being of families, communities and countries, women's work is poorly measured in official statistics. Women work in different jobs and occupations than men, almost always with lower status and pay.[28] In industrial countries unemployment is higher among women than men, and women constitute three fourths of the unpaid family workers.[29] Poor women in many parts of the world remain unable to exercise their right to loans and credit, although this right is established under the Convention on the Elimination of All Forms of Discrimination against Women[30] and is considered to be a powerful tool in overcoming poverty and economic dependence.[31]

17. Women's participation in decision-making at all levels and in all areas – in the political, economic and social realms – is a prerequisite for justifying claims of the legitimacy of governance. It is also a strategic need in achieving women's equality and empowerment. Yet the level of women's participation in decision-making remains well below a critical mass in many legislative and executive bodies. In fact, in 48 countries, there were no women ministers at all at the end of 1996.[32]

18. The Special Rapporteur on violence against women has examined the link between denial of women's rights in the economic realm and violence against women. She noted that denying women economic power and economic independence was a major cause of violence against women because it prolonged their vulnerability and dependence. She also noted that unless economic relations in a society were more equitable towards women, the problem of violence against women would continue.[33] The consequences of such denial of women's rights in the economic realm included the fact that women were prevented from fully participating in and contributing to the development of society.[34]

B. Factors and obstacles affecting women's real enjoyment of their human rights

19. Gender-based considerations need to inform the analysis of the content and nature of human rights, as well as of measures to ensure their enjoyment. There are many processes at the domestic and international levels through which the content of human rights is clarified and their implementation occurs. The systematic integration of gender factors into these processes, into measures for implementation and into domestic and international monitoring remains to be achieved.

20. Women are entitled to the enjoyment of all human rights, including those relating to economic development and resources, as part of their equal entitlement to all human rights. At the same time, women's gender roles have an impact on their ability to access rights, resources and opportunities, and treatment on an equal basis. Not only is equal access to these rights an end in itself, these rights are essential components of women's empowerment, of social justice and overall social and economic development. Women's equal access to resources and opportunities and equal treatment in economic and social life are cornerstones for the full realization of these rights. Lack of equal access represents a denial of rights, which results in the perpetuation of women's poverty.

21. In the enjoyment of rights, women face constraints and vulnerabilities which differ from those that affect men and

which are of significant relevance in the enjoyment of these rights. At the same time, these variables mean that women may be affected by violations of rights in ways that are different from men. Women are disproportionately affected by poverty and social marginalization. Women suffer systemic and systematic discrimination,[35] which results in deep patterns of inequality and disadvantage. The overall level of development and of resources available to countries, women's literacy levels and women's access to information and to legal remedies also have an impact on women's enjoyment of their rights. The gender-based division of labour, with women being primarily responsible for reproductive work and work related to the family, and men for productive work, also contributes to the perpetuation of gender-based inequalities.

22. Many women experience multiple barriers in gaining access to rights such as employment, housing, land, food and social security. These barriers include the disproportionate burden of reproductive and care-giving work performed by women; the sexual division of labour and segregated employment practices; discriminatory traditional and cultural laws and practices; unequal representation by women in political and other decision-making structures at all levels; and the widespread violence perpetrated against women. Women's social position, marital status, class, or membership in particularly vulnerable groups, such as refugee or migrant women, rural or urban poor women, are often linked to de facto, and sometimes also to *de jure*, discrimination.

23. When laws, customs, traditional roles, family responsibilities or attitudes and stereotypes provide people – women – with fewer opportunities or place them at a disadvantage as they seek to access opportunities, remedial measures are needed to eliminate such disadvantages, and to prevent them from recurring. When policies are designed in the context of respect for, and promotion and protection of, human rights, then unequal outcomes for women in the economic and social spheres oblige Governments to design policies and other measures in a way that reduces inequalities.

III. Progress achieved in ensuring women's real enjoyment of their human rights

24. Governments have expressed and reiterated their firm commitment to the indivisibility and interrelatedness of all human rights, including in the Vienna Declaration and Programme of Action, and the Beijing Declaration and Platform for Action. The following section focuses on women's enjoyment of economic and social rights as a strategy to ensure that women do not experience poverty disproportionately. Denial of these rights not only perpetuates women's poverty, but also constitutes a major obstacle to women's empowerment and advancement in general.

A. International human rights instruments

25. Economic and social rights are contained in the Universal Declaration of Human Rights and have been further elaborated in the International Covenant on Economic, Social and Cultural Rights,[36] with States parties to the Covenant undertaking to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights.[37]

26. Standards of the International Labour Organization (ILO) define rights and obligations to improve conditions of life and work worldwide. Although most of these standards apply equally to women and men workers, specific standards for women workers have also been adopted.[38]

27. The Convention on the Elimination of All Forms of Discrimination against Women elaborates the meaning of discrimination on the basis of sex and addresses women's equal rights with men in the political, economic and private spheres.[39] The Convention encompasses rights in the fields of education (art. 10) and employment, including social security (art. 11), and in other areas of economic and social life. It establishes women's right to equality with men before the law and provides for equal legal capacity in civil matters, including contracts and property administration (art. 15). It also establishes the same rights for spouses in respect of ownership, acquisition, management, administration, enjoyment and disposition of property (art. 16).

28. The Committee on Economic, Social and Cultural Rights has, through its monitoring of the implementation of the International Covenant on Economic, Social and Cultural Rights, contributed to the better understanding of these rights and the obligations resulting therefrom for States parties to ensure realization of rights. The Committee increasingly highlights gender issues in its general comments on specific articles of the Covenant[40] in an effort to encourage States parties to take active steps to overcome women's inequality and disadvantage in the enjoyment of rights. It also requests information about the situation of women in the consideration of States parties reports, in such areas as remuneration, women's position in the labour

market, the situation of women migrant workers and women's inheritance rights so as to highlight situations of continuous unequal enjoyment of rights by women.

29. While the Covenant represents the most comprehensive single global legal instrument on economic, social and cultural rights, such rights are contained in many other international, regional or national instruments. They can also be found in other types of instruments of a global or regional character and are reflected in consensus policy documents, in addition to legal instruments *stricto sensu*.

B. Vienna Declaration and Programme of Action

30. The World Conference on Human Rights clearly acknowledged that women's rights are human rights. The Conference emphasized the need for Governments and the United Nations to make the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex a priority of their policies. It also underlined the importance of the integration and full participation of women as both agents and beneficiaries in the development process, and reiterated the objectives established on global action for women towards sustainable and equitable development set forth in the Rio Declaration on Environment and Development and chapter 24 of Agenda 21, adopted by the United Nations Conference on Environment and Development.[41]

31. The World Conference on Human Rights reaffirmed the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and integral part of fundamental human rights.

C. Beijing Declaration and Platform for Action

1. Gender equality in the Platform for Action

32. The Beijing Declaration and Platform for Action provide a framework for translating the provisions and positive forces of human rights law into concrete actions for achieving gender equality through the real and effective exercise by women, including women living in poverty, of their human rights. In this endeavour, the significance of the general prohibition of discrimination is paramount. It has two aspects, both of which are reflected in the broad objectives of the Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women: one, to ensure that gender does not impair women's ability to exercise their human rights; and two, to undertake specific efforts to change – and transform – structures and processes that perpetuate women's inequality in all spheres of life.

33. In its diagnosis of the situation with regard to the human rights of women, the Platform for Action takes a comprehensive view of these rights, in accordance with the Vienna Declaration and Programme of Action. Discrimination against women and girls in the allocation of economic and social resources is identified as a direct violation of women's and girls' economic, social and cultural rights.[42] The Platform for Action recognizes that gender directly creates a disadvantage for women and girls in the enjoyment of their human rights when it states: "If the goal of the full realization of human rights for all is to be achieved, international human rights instruments must be applied in such a way as to take more clearly into consideration the systematic and systemic nature of discrimination against women that gender analysis has clearly indicated".[43]

2. The human rights of women as a critical area of concern and as an integral component of the Platform for Action as a whole

34. The human rights of women and women and poverty are identified as critical areas of concern in the Platform for Action.[44] In these, as well as in other critical areas of concern, the Platform highlights measures to promote women's enjoyment of their economic and social rights as a means of overcoming poverty and disadvantage. The human rights of women are also addressed, directly or indirectly, in several other critical areas of concern, with women's enjoyment of their economic and social rights being identified as instrumental for the achievement of the goal of gender equality in those areas. This is clearly established in such strategic objectives as "Revise laws and administrative practices to ensure women's equal rights and access to economic resources" (strategic objective A.2); "Ensure equal access to education" (strategic objective B.1); "Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources" (strategic objective F.1); "Facilitate women's equal access to resources, employment, markets and trade" (strategic objective F.2); and "Eliminate occupational segregation and all forms of employment discrimination" (strategic objective F.5).[44]

35. Many of the actions recommended under these strategic objectives illustrate the nature and scope of economic and social rights contained in international legal instruments. Through the recommended actions, the Platform aims at the elimination of discrimination on the one hand and at ensuring the achievement of equality for women on the other. Women's full and equal enjoyment of economic and social rights as a means for reducing and eliminating poverty and for realizing sustainable development is addressed in several areas of the Platform for Action, including poverty, the economy, the environment and violence against women. The actions indicate the continuing existence of obstacles to women's de facto enjoyment of human rights in the economic and social realms. They are also indicative of the multifaceted actions necessary to eliminate discrimination in the enjoyment by women of their economic and social rights.

36. Examples of actions include the ratification of international human rights instruments such as the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights and conventions of the International Labour Organization (Platform for Action, paras. 80 (j), 124 (e) and 230 (a) and (b)); the withdrawal of reservations thereto (ibid., para. 230 (c));and the revision/elimination of discriminatory laws and regulations to establish equality under the law (ibid., para. 165 (b)) or the enactment of specific legislation (paras. 165 (a), 232 (b)).

37. Other actions aim at achieving women's equal access to education and training, health, and participation in decision-making, which are tools for enabling women to take advantage of economic opportunities and resources. Their aim is to provide a basis for women's enjoyment of economic and social rights through access to education and training or protection from violence. Specific economic and social rights are targeted through calls for the non-discriminatory availability of social security systems to women (Platform for Action, paras. 58 (o), 165 (f) and 175 (g)). Other actions deal with women's equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies (ibid., paras. 61 (b) and 165 (e)); access to employment, appropriate working conditions and control over economic resources; and equal pay for equal work or work of equal value (ibid., para. 165 (a)).

38. The Platform for Action establishes gender mainstreaming as a major strategy in the pursuit of gender equality, including in the area of human rights. While progress is being made in this regard, there remains much scope for developing practical actions to ensure that a gender perspective is applied systematically in all human rights activities.

39. The mainstreaming directive is critical to women's enjoyment of their human rights as it allows for an analysis of the gender factors that create obstacles to women's enjoyment of these rights and that need to be addressed and remedied within larger policy frameworks. Gender mainstreaming also allows for the identification of aspects of particular concern to women which are linked to these rights, and which might not have been considered part of their promotion and protection in the past. Through gender analysis and similar tools, systemic and structural obstacles which limit women's enjoyment of their human rights can be identified. Once gender-based constraints are made explicit, the responsibilities and obligations of Governments to respect, protect and fulfil the human rights of women can be identified and required actions implemented.

3. Actors responsible for implementing actions in the Platform for Action concerning women's enjoyment of their economic and social rights

40. The enjoyment of human rights by women, in particular those relating to economic development and resources, is hampered by existing unequal access to resources, technology and information. Women's lack of access or reduced access must therefore be a particular concern to Governments. Safeguards in policies and programmes might be necessary to ensure to women the enjoyment of all human rights, including those in the economic realm.

41. The Platform for Action establishes that Governments have the primary responsibility for implementing the Platform,[45] but it also allocates responsibility for implementation to other actors at the national and international levels. In addition to Governments, the Platform for Action identifies non-governmental organizations, including women's groups and organizations of civil society, the United Nations, including specific bodies and entities of the United Nations system, as actors responsible for implementation.

42. In accordance with international human rights law, the State is identified as having primary responsibility for the realization of human rights. This is reflected in the Platform for Action's critical area of concern, "human rights of women", where Governments are called upon to translate into domestic law and practice the international legal framework for the protection of the human rights of women,

including through implementation of the Convention on the Elimination of All Forms of Discrimination against Women (paras. 230 and 232). It is also reflected in the areas of poverty and the economy which establish governmental responsibility for actions on economic and social rights of women (paras. 61, 165 and 166).

43. The obligations of Governments in the protection and promotion of human rights is supplemented by responsibilities of other actors. Given the concern about the long-standing neglect of women's human rights in mainstream human rights activities, the Platform for Action emphasizes actions aimed at better coordination and cooperation, and the incorporation of a gender perspective in all human rights activities of "mainstream" entities and organs of the United Nations system (para. 231).

44. With the roles of various players shifting and new players entering the stage, the promotion and protection of economic and social rights is becoming increasingly urgent. The Platform for Action identifies responsibilities of and opportunities for actors other than the Government to promote women's enjoyment of their economic and social rights.

45. Current trends of globalization and market liberalization are changing the role of the State and increasing the role of other actors in the international and national context. This can be seen in the increased visibility of international trade, financial and development institutions, the private sector and governmental authorities at the subnational level (local authorities). This is acknowledged in the Platform for Action, which calls on the private sector, multilateral financial institutions, bilateral donors and other actors to facilitate and support women's access to resources, to adhere to all legislation aimed at the elimination of discrimination with regard to work, social well-being and to integrate a gender perspective into all policies and programmes, including macroeconomic policies and structural adjustment programmes, from the design to the implementation and monitoring stages. The Platform for Action recognizes the work of non-governmental organizations, as advocates for the human rights of women, in the dissemination of information and in providing access to mechanisms of redress.

D. Commission on Human Rights and related bodies

46. The integration of the human rights of women throughout the United Nations system has been a focus of the attention of the Commission on Human Rights for a number of years.[46] Recent resolutions of the Commission increasingly call for the need to apply a gender perspective in the realization of specific human rights, including in the implementation of the right to development.[47] Several thematic special rapporteurs and rapporteurs on country situations have devoted particular attention to the equal status and human rights of women in their reports. In general, they have stressed the discrimination women still face. Some of them have devoted separate sections of their reports to the situation of women.

47. In their recommendations, special rapporteurs have called for the respect of the non-discrimination principle; for national legislation to conform with the Convention on the Elimination of All Forms of Discrimination against Women; for the abrogation of laws that discriminate against women and the elimination of discriminatory practices; and for the adoption of positive measures to improve women's effective participation in the educational, societal, economic and political fields.

48. Even though the primary purpose of the special rapporteurs has not been to consider women's enjoyment of their human rights, information submitted by non-governmental organizations and United Nations bodies has revealed that explicit attention to these rights is needed. From a human rights perspective, non-discrimination remains at the core of full and effective enjoyment of rights.

49. The Subcommission on Prevention of Discrimination and Protection of Minorities has appointed, among its various special rapporteurs, Special Rapporteurs on human rights and extreme poverty,[48] and on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, at both the national and international levels, and income distribution. Although they have not addressed the issue of women *per se*, they have reflected information pertaining to women in their consideration of issues affecting women.

50. The seminar on extreme poverty and the denial of human rights, organized by the Special Rapporteur (Geneva, 12-14 October 1994), noted that extreme poverty was often the result of discrimination. As the principle of non-discrimination was at the core of human rights protection, States parties were under an obligation to take positive, specific action to eliminate discrimination and to ensure that the human rights of all persons without distinction were respected.[49] It was further stated that international human rights law required States to engage in affirmative action and that this legal obligation could well be used in the struggle against extreme poverty, affecting women in particular.[50]

One of the recommendations of the seminar was that, given that women are disproportionately represented among those living in extreme poverty, all possible steps should be taken to promote and protect the human rights of women, including through the introduction of a complaints procedure to the Convention on the Elimination of All Forms of Discrimination against Women.

51. In his final report, the Special Rapporteur on income distribution reviewed the question of income distribution and gender discrimination.[51] He noted that income distribution was commonly measured by household and thus concealed the situation of discrimination generally encountered by women. He referred to women heads of households as being among those in situations of greatest disadvantage and poverty, and discussed the feminization of poverty. Flexible or deregulated labour markets gave rise to situations of open violation of the rights of women, the rights of workers, economic, social and cultural rights, and thus human rights.

E. Commission on the Status of Women

52. In 1996, the Commission took action to further implement the strategic objectives and action in the critical area of concern "women and poverty".[52] The Commission emphasized both the need for mainstreaming a gender perspective and the need for mainstreaming the promotion and protection of and respect for the human rights and fundamental freedoms of women, including the right to development, into all policies and programmes aimed at the eradication of poverty. It reaffirmed the need to take measures to ensure that every person was entitled to participate in, contribute to and enjoy economic, social, cultural and political development. The Commission recommended such measures as legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies. It also recommended national strategies for promoting employment and self-employment for income generation, and economic and social protection during unemployment and other situations requiring social protection.

53. At its forty-first session, in 1997, the Commission considered the critical areas of concern "women and the environment", "women and the economy" and "education and training of women".[53] Women's equal access to and control over land were again seen as an important component of women's role in environmental questions, including land reform programmes.

54. In its agreed conclusions on women and the economy, the Commission emphasized the role of gender analysis and the prevention of discrimination in economic policies, structural adjustment programmes, privatization, financial and trade policies, financial and public sector reforms, employment generation, structural change and economic recession. The Commission recommended the promotion of women's rights through their equal access to economic resources, through the elimination of employment discrimination and through effective legislation in enforcing the principle of equal pay for work of equal value. The protection of the rights of migrant women workers was noted as an area requiring particular attention.

F. Economic and Social Council

55. In following up the World Summit for Social Development, the Economic and Social Council devoted its 1996 coordination segment to the question of poverty eradication,[54] emphasizing the need for gender analysis and for mainstreaming a gender perspective in United Nations activities for poverty eradication.

56. The Council's agreed conclusions 1997/2 on gender mainstreaming provide a definition, principles and a set of recommendations for action at the intergovernmental and the institutional levels to translate the mainstreaming directive into practice.[55]

G. Recent global United Nations conferences

57. Attention to gender equality and the human rights of women is contained in the results of all recent United Nations conferences and summits.[56] They consider women's equality and empowerment as an essential means of achieving stated goals and objectives, but also include it as a specific objective in itself. Through these clearly established linkages, Governments have committed themselves to making gender equality an integral part of all policy-making. Furthermore, global policy instruments are couched in terms of the Universal Declaration of Human Rights and other international human rights instruments, and are directed towards the realization of human rights and fundamental freedoms, including civil, cultural, economic, political and social rights and the right to development, for all. These global policy instruments are therefore a further illustration of the rights contained in international human rights instruments. Women's enjoyment of their economic

and social rights is thus a firm basis from which to pursue such policy goals.

H. Office of the United Nations High Commissioner for Human Rights

58. The Office of the United Nations High Commissioner for Human Rights coordinates the United Nations programme of advisory services and technical cooperation in the field of human rights. In accordance with the Vienna Declaration and Programme of Action and the Beijing Declaration and Platform for Action, the Office of the High Commissioner has instructed those conducting assessment missions for technical assistance to take particular account of the status of women in the country concerned and to aim to improve the situation of women's rights in their recommendations. The incorporation of gender into the programme of technical assistance takes the form of advisory services of experts, human rights seminars, training courses and workshops, and fellowships and scholarships. A project on the integration of a gender perspective into technical cooperation practices and procedures, to which the Division for the Advancement of Women has contributed at its various phases, is now in the implementation phase. It is anticipated that a new project intended to incorporate economic, social and cultural rights into the various aspects of technical cooperation will also take into account women's enjoyment of these rights.[57]

I. Division for the Advancement of Women

59. The Special Adviser on Gender Issues and Advancement of Women and the Division for the Advancement of Women monitor and support progress in women's full enjoyment of their human rights, including those relating to economic development and resources, in the framework of the follow-up to the Beijing Declaration and Platform for Action and the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Activities such as the expert group meeting on promoting women's enjoyment of their economic and social rights are intended to strengthen practical action at the national and international levels for women's full enjoyment of their human rights.[57]

IV. Conclusion

60. Women's full enjoyment of their human rights, including those relating to economic development and resources, is essential to any strategy aimed at poverty eradication and sustainable development. International human rights instruments, the Platform for Action and the Vienna Declaration and Programme of Action provide a solid basis for promoting women's enjoyment of their human rights, including those related to economic development and resources, and the alleviation of women's poverty. The Platform for Action addresses the human rights of women and women and poverty in specific critical areas of concern. Attention to both issues can be found in a number of other areas. The Platform for Action recognizes the impact of gender on the enjoyment of human rights, including access to rights, opportunities and resources, and with regard to treatment in many areas. Together with international human rights instruments, the Platform for Action emphasizes that such gender-based inequalities and disadvantage need to be addressed explicitly in all actions of Governments and of other actors entrusted with their implementation.

Notes

[1] A/51/3 (Part I), chap. III, para. 2; to be issued in *Official Records of the General Assembly, Fifty-first Session, Supplement No. 3* (A/51/3/Rev.1).

[2] *Official Records of the Economic and Social Council, 1997, Supplement No. 7* (E/1997/27), chap. II, para. 178.

[3] Ibid., *1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[4] The report of the meeting (EGM/WESR/1997/Report) is available from the Division for the Advancement of Women. It is also posted on the Division's Web site at http://www.un.org/womenwatch/daw.

[5] Such commitments were made at the World Conference on Human Rights (Vienna, 1993), the World Summit for Social Development (Copenhagen, 1995) and the Fourth World Conference on Women (Beijing, 1995), for example.

[6] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II, para. 51.

[7] Ibid., para. 55.

[8] E/CN.4/Sub.2/1996/13.

[9] Ibid., para. 36.

[10] Ibid., paras. 176 and 178.

[11] The *1994 World Survey on the Role of Women in Development* (United Nations publication, Sales No. E.95.IV.1) provides a detailed analysis of the causes and consequences of women's poverty and, in particular, of the gender dimensions of poverty. It also provides policy recommendations for increasing women's effective

participation in development, including through addressing the gender dimensions of poverty.

[12] This was stressed in the first preambular paragraph and paragraph 4 of the Vienna Declaration and Programme of Action (*Report of the World Conference on Human Rights, Vienna, 14-25 June 1993* (A/CONF.157/24 (Part I), chap. III) and reiterated in paragraph 213 of the Platform for Action (*Report of the Fourth World Conference on Women* ... chap. I, resolution 1, annex II).

[13] *Official Records of the Economic and Social Council, 1991, Supplement No. 3* (E/1991/23), annex III, general comment No. 3, para. 9.

[14] Ibid., para. 5. See also the report of the expert group meeting on promoting women's enjoyment of their economic and social rights (EGM/WESR/1997/Report), para. 38.

[15] The Special Rapporteur on extreme poverty, in his overview of the spread and scale of extreme poverty, noted a lack and inadequacy of data on poverty and extreme poverty. Echoing the World Summit for Social Development, he stressed the need for better quantitative and qualitative information (E/CN.4/Sub.2/1996/13, paras. 32-74, in particular paras. 71-74). He referred to the fact that the majority of the world's poor were women (paras. 35 and 36). The overview of the impact of extreme poverty on several fundamental human rights presented by the Special Rapporteur does not consistently disaggregate such impact by sex (paras. 122-174).

[16] Publications such as *The World's Women: Trends and Statistics, 1970-1990* and *The World's Women 1995: Trends and Statistics* (United Nations publications, Sales Nos. E.90.XVII.3 and E.95.XVII.2, respectively) have greatly increased the availability, and the collection, of data and statistics on women and men.

[17] In its agreed conclusions 1996/1 on poverty eradication, the Economic and Social Council noted that "failure to integrate a gender perspective in the design and implementation of poverty eradication programmes will prevent those programmes from achieving their goals" (A/51/3 (Part I), chap. III, para. 27).

[18] This has been shown in the gender-related development index (GDI) and in the gender empowerment measure (GEM) of the *Human Development Report* of the United Nations Development Programme (UNDP). See *Human Development Report, 1997* (published for UNDP by Oxford University Press, New York and Oxford, 1997), p. 39; and table 2.8 (Gender disparity – GDI and HDI ranks), p. 40; table 2.9 (Gender disparity – GEM, GDI and HDI ranks), p. 41; table 2 (Gender-related development index – all countries), pp. 149-151; and table 3 (Gender empowerment measure – all countries), pp. 152-154.

[19] See *Human Development Report, 1997*, ...

[20] Ibid., p. 39.

[21] Ibid., chap. 2, annex table A2.2 (Human poverty of women and children).

[22] *1994 World Survey on the Role of Women in Development* ..., p. xiii.

[23] On rural women's access to productive resources, see the report of the Secretary-General on improvement of the situation of women in rural areas (A/52/326).

[24] See Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1997/19 on women and the right to adequate housing and to land and property. In paragraph 10 of the resolution, the Subcommission invited the Commission on the Status of Women to consider the right to adequate housing and to land and property in its continued research on the impact of violations of economic, social and cultural rights of women.

[25] The Special Rapporteur noted that education was undeniably one of the most effective ways of breaking the vicious circle of poverty (E/CN.4/Sub.2/1996/13, para. 134).

[26] See agreed conclusions 1997/4 adopted by the Commission on the Status of Women following consideration of the critical area of concern "education and training of women" (*Official Records of the Economic and Social Council, 1997, Supplement No. 7* (E/1997/27), chap. I, sect. C).

[27] See *Human Development Report, 1997* ... .

[28] See *The World's Women 1995* ..., chap. 5.

[29] *Human Development Report, 1997* ..., p. 39.

[30] General Assembly resolution 34/180, annex, articles 13 (b) and 14.2 (g).

[31] See Declaration and Plan of Action of the Microcredit Summit, held in Washington, D.C., from 2 to 4 February 1997 (A/52/113), annex I.

[32] Fact Sheet on Women in Government, Division for the Advancement of Women/Department of Economic and Social Affairs.

[33] E/CN.4/1995/42, para. 53.

[34] E/CN.4/1995/42, para. 77.

[35] *Report of the Fourth World Conference on Women* ..., chap. I, resolution 1, annex II, para. 222.

[36] As of 1 September 1997, there were 136 States parties to the Covenant.

[37] General Assembly resolution 2200 A (XXI), annex, art. 3.

[38] For an overview of ILO standards with regard to women workers, see *Women and Work: Selected ILO Policy Documents* (Geneva, ILO 1994).

[39] As of 1 October 1997, there were 161 States parties to the Convention.

[40] In its general comment No. 4 on the right to adequate housing (art. 11 (1) of the Covenant), the Committee specifically pointed out that the reference in the article to "himself and his family" reflected the assumptions as to gender roles and economic activity patterns commonly accepted at the time when the Covenant was adopted. Consequently, the Committee noted that enjoyment of this right must not be subject to any form of discrimination (*Official Records of the Economic and Social Council, 1992, Supplement No. 3* (E/1992/23), annex III, para. 6).

[41] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I,

Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.83 and corrigendum), resolution 1, annexes I and II.

[42] *Report of the Fourth World Conference on Women* ..., chap. I, resolution 1, annex II, para. 220.

[43] *Report of the Fourth World Conference on Women* ..., chap. I, resolution 1, annex II, para. 222.

[44] *Report of the Fourth World Conference on Women* ..., chap. I, resolution 1, annex II, chap. IV.

[45] *Report of the Fourth World Conference on Women* ..., chap. I, resolution 1, annex II, para. 293.

[46] The most recent overview of such activities is contained in document E/CN.4/1997/40.

[47] See *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A, resolution 1997/72.

[48] See paras. 7 and 8 above.

[49] Report of the seminar on extreme poverty and the denial of human rights (E/CN.4/1995/101), para. 47.

[50] Ibid., para. 49.

[51] E/CN.4/Sub.2/1997/9, paras. 74 and 75.

[52] *Official Records of the Economic and Social Council, 1996, Supplement No. 6* (E/1996/26), chap. I, sect. C.2, resolution 40/9.

[53] Ibid., *1997, Supplement No. 7* (E/1997/27), chap. I, sect. C.1, agreed conclusions 1997/1, 1997/3 and 1997/4, respectively.

[54] A/51/3 (Part I), chap. III, para. 2, agreed conclusions 1996/1.

[55] A/52/3, chap. IV, sect. A.

[56] In addition to the World Conference on Human Rights (Vienna, 1993), the International Conference on Population and Development (Cairo, 1994), the World Summit for Social Development (Copenhagen, 1995) and the United Nations Conference on Human Settlements (Habitat II) (Istanbul, 1996) addressed women and gender concerns.

[57] See the joint work plan of the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights (E/CN.6/1998/2/Add.1).